

### Amendments To The Specification

Please amend the specification at page 4, line 13 through page 5, line 13:

The present invention meets the need in the art by providing a fence panel that readily adjusts to conform substantially to a slope of a terrain during installation of the fence panel. The fence panel tracks a sloped grade of a portion of a terrain surface for attaching to adjacent ones of the fence panel to define an elongate length of fencing along the terrain surface, comprises a first rail disposed parallel and spaced-apart from a second rail, which rails define a longitudinal length of a fence panel. Each rail defines on a side opposing spaced-apart first and second side edges ~~spaced-apart with respect to the terrain~~, with the rails disposed at an angle relative to horizontal. A plurality of spaced-apart pickets define a pair of ~~opposing outer~~ second pickets and a plurality of ~~inner first~~ pickets. The pickets are disposed substantially perpendicular to horizontal and attach to the side of the rails with fasteners such that each of the inner first pickets are attached attach to a respective one of the rails only by a fastener fasteners on between the first side edge and the respective first picket and the outer second pickets are attached attach to the respective one the rails only by a fastener fasteners on between the second side edge and the respective second picket. The fence panel, being racked by moving opposing ends of the panel in opposing directions transverse to the longitudinal axis of the rails, conforms a slope of the rails substantially to the slope of the portion of the ~~ground surface~~ terrain by changing the angle between the pickets and the rails while the pickets remain substantially perpendicular to horizontal without the rails rolling away from the ~~inner and outer first and second~~ pickets.

- 9 -

A CMD 592643 v1  
2170933-000001 10/28/05

In another aspect, the present invention provides a method of making a fence panel for tracking a sloped grade during installation of a fence over a terrain, comprising the steps of:

(a) disposing a pair of rails parallel and spaced-apart at an angle to a horizontal plane to define a longitudinal length of a fence panel, the rails defining opposing first and second side edges spaced-apart relative to the horizontal plane terrain;

(b) attaching a plurality of ~~inner~~ first pickets to a side ~~respective one~~ of the rails disposed substantially perpendicular to the horizontal plane with fasteners ~~such that the inner pickets connect with the fasteners~~ only between the first pickets and to the first side edge of the respective rail; and

(c) attaching ~~a pair of opposing outer~~ at least two second pickets ~~at opposing ends to the side~~ of the respective rail disposed substantially perpendicular to the horizontal plane ~~by with fasteners~~ such that only between the ~~outer~~ second pickets ~~connect with the fasteners to~~ and the second side edge of the respective rail ~~and the first side edge of the second rail; and~~

~~(d) repeating steps (b) and (c) for the other of the pair of rails,~~

whereby the fence panel, being racked by moving opposing ends of the fence panel in opposing directions transverse to the longitudinal axis of the rails, conforms a slope of the rails substantially to a slope of a portion of the terrain by changing the angle between the ~~inner and outer~~ first and second pickets and the rails while the ~~inner and outer~~ first and second pickets remain substantially perpendicular to horizontal without the rails rolling away from the ~~inner and outer~~ first and second pickets.

At page 24, lines 4 - 22,

~~A fence section (11) that during installation conforms to a sloped terrain, in which a first rail (13) is parallel and spaced apart from a second rail (14) at an angle relative to horizontal, the rails defining opposing side edges (25, 26), and a plurality of spaced apart inner pickets (16) and two outer pickets (16') attached to the rails disposed substantially perpendicular to horizontal. The inner pickets (16') attach by fasteners such as flexible mild welds between the picket and a first side edge of the first rail and between the picket and an opposing second side edge of the second rail. The outer pickets (16) attach by fasteners such as flexible mild welds between the respective outer picket and the second side edge of the first rail and between the respective picket and the first side edge of the second rail. The fence section conform to the slope by moving opposing ends in opposing directions transverse to the longitudinal axis of the rails while the pickets remain substantially perpendicular to horizontal.~~ A fence panel that tracks a sloped terrain surface, in which a pair of spaced-apart rails each have a first longitudinal edge and an opposing second longitudinal edge on a side of the rail, and a plurality of pickets having first pickets and at least two second pickets disposed spaced apart on the side of the rails, with the first pickets attached by a fastener only between the picket and the first longitudinal edge of the respective rail and the second pickets attached by a fastener only between the picket and the second longitudinal edge of the respective rail, so that the rails do not roll away from the pickets when racking the fence panel by moving the opposing ends of the rails in vertically opposite directions to conform the slope of the fence panel to the terrain surface. A method of making a fence section panel is disclosed.

- 11 -

A CMD 592643 v1  
2170933-000001 10/28/05